

DIRECTOR'S REPORT

Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended; s.62

To: The Corporation of the City of Temiskaming Shores
Post Office Box No. 2050
Haileybury, ON, P0J 1K0
Attention: Airianna Leveille, Public Works Clerk

Site location:

New Liskeard Lagoons, Bedard Road
City of Temiskaming Shores, District of Timiskaming
P0J 1P0

**RE: Requirement to receive Industrial Wastewater from Calamity Creek Culvert
Rehabilitation Project in Temiskaming Shores, Ontario**

The Calamity Creek Culvert Rehabilitation Project (Project) is a Ministry of Transportation (MTO) project which involves in-water work in Calamity Creek for the purposes of replacing a culvert beneath Highway 11, just north of Toblers Road in the City of Temiskaming Shores (City).

On October 1, 2019, the Ministry of the Environment, Conservation and Parks (MECP) confirmed the registration, in accordance with section 20.21(1)(a) of the *Environmental Protection Act*, for the taking of water for dewatering a construction site, as prescribed in Ontario Regulation 63/16, on the Environmental Activity and Sector Registry of the activity associated with the Project, Registration No. R-009-9110668676 (Registration). This activity was registered by Construction Demathieu & Bard (CDB) as the general contractor for the Project.

In 2019, contaminated groundwater was intercepted during preliminary work on the Project site. Management of this contaminated groundwater was not anticipated and did not fall within the water taking and discharge plan of the Registration. Therefore, in 2019, all site water from the Project, collectively referred to herein as Industrial Wastewater, was collected and hauled off-site to an approved disposal facility.

On September 13, 2019, the MECP was informed by the Project's environmental consultant, Story Environmental Inc. (SEI), about the Industrial Wastewater. On that day and in a follow-up email on October 23, 2019, the MECP communicated the

requirement that “Where the discharge does not meet PWQO [Provincial Water Quality Objectives], the discharge shall be postponed, transported off-site for treatment or treated by an approved (ECA) mobile treatment unit. The alternative would be to submit an application and obtain [an] Environmental Compliance Approval (ECA) for an on-site treatment system to provide treatment of the discharge to meet the [MECP’s] surface water standards.”

Samples collected and analysed in April and May of 2020 by SEI who confirmed that the Industrial Wastewater was not of a quality that could be managed through the discharge plan of the Registration.

On May 14, 2020, SEI submitted a letter to the City regarding “Acceptance of Water from the Calamity Creek Project”. It was indicated in this letter, included as Schedule A of this Report, that “...the water which will be produced by the dewatering activities at the Calamity Creek construction site can be managed within the New Liskeard Sewage Lagoon without any ill effects. However, due to the uncertainty regarding the water quality associated with the ongoing daily dewatering, this water must be treated using an adsorptive media filtration system prior to hauling.”

On May 15, 2020, representatives from MTO, MECP, CDB, SEI and MTO’s contract administrator met to discuss options for the management of the Project’s Industrial Wastewater.

Currently, the Industrial Wastewater is hauled up to 340 km to one of three approved treatment facilities outside of the district in which the Project is located. To reduce hauling distance, emissions, costs and the potential spread of COVID-19, MTO’s preferred option is the hauling of the Industrial Wastewater to the City’s New Liskeard Lagoons sewage treatment system (the Works as defined in ECA No. 9205-ANYPRW).

The MTO believes that everything in their power should be done to minimize the potential spread of COVID-19, while safely continuing essential projects. It is estimated that the Project will be completed by August 31, 2020. The MTO anticipates that approximately 100 truck loads of Industrial Wastewater will require hauling and disposal by the end of August 2020, which is an average of approximately one truck load per day. To continue as is would result in approximately 100 roundtrips, each providing opportunities for three to four drivers to be potentially exposed or potentially to expose others, including restaurant employees, service station attendants, hotel operators, enforcement staff and treatment plant staff as they move in and out of the district.

In contrast, allowing for the hauling of the Industrial Wastewater locally reduces the number of drivers to one and the hauling distance to approximately 5 km. The drivers would be limited to the Project’s local area, thus minimizing the possible spread and introduction of the virus from outside the community.

On May 27, 2020, the City requested that the MECP allow the acceptance of the Project’s Industrial Wastewater into the Works via the Gray Road Lift Station, which is defined in ECA No. 5490-A3NJRQ.

On May 28, 2020, the City sent information to the MECP outlining its proposal to accept Industrial Wastewater originating at the Project site. The City's proposal assumes a maximum of 28,000 litres of Industrial Wastewater being received per day, seven days per week, for the remainder of the Project. The proposal is based on directing the Industrial Wastewater to the Gray Road Lift Station, which is part of the Works as described in the City's ECA No. 9205-ANYPRW, at a maximum rate of one 28,000 litre truck load per hour.

It is anticipated that the current need for Industrial Wastewater hauling will depend on weather, site conditions and the progress of the Project, and may last until September 30, 2020. A maximum of approximately 3,000,000 litres of Industrial Wastewater may require hauling and disposal in the Works in 2020.

This Report is being issued to provide an alternative to long-distance hauling of Industrial Wastewater from the Project to reduce:

- a. The potential spread of COVID-19;
- b. The environmental impact of hauling; and
- c. The cost to the Crown.

For those reasons, it is my opinion that it is necessary in the public interest for the City to accept at their New Liskeard Lagoons, Industrial Wastewater from the Project site. Therefore, pursuant to my authority under section 62 of the *Ontario Water Resources Act*, I hereby direct the City to accept the Industrial Wastewater originating at the Project site into the Gray Road Lift Station owned by the City until September 30, 2020, subject to the conditions that follow:

1. Except as otherwise provided by these conditions, the City shall operate and maintain the Works and the Gray Road Lift Station approved under ECA No. 9205-ANYPRW and ECA No. 5490-A3NJRQ, respectively, per the conditions of these ECAs.
2. Upon receipt of the first load of Industrial Wastewater into the Gray Road Pumping Station, the City shall notify the Director in writing. When the City becomes aware that there is no longer a need to receive Industrial Wastewater from the Project site, the City shall notify the Director in writing.
3. Industrial Wastewater shall only be directed to the Gray Road Lift Station unless otherwise authorized by the Director. No Industrial Wastewater from the Project site shall be directed or redirected to the Works unless it is done in accordance with:
 - Schedule E – Limited Operational Flexibility of ECA No. 9205-ANYPRW;
 - Authorization granted by an amendment to ECA No. 9205-ANYPRW;
 - Other Ministry approval, or;
 - This or any other Director's Report.

4. The City shall notify the Director immediately should it become aware of the necessity for Industrial Wastewater to be received by the City beyond October 31, 2020.
5. Pursuant to Condition 11 below, the City shall only accept Industrial Wastewater that has been partially treated as provided in the May 14, 2020 letter included as Schedule A of this Report.
6. The City shall record the number of loads of Industrial Wastewater and the volume of each load received by the City for the duration of the time the Industrial Wastewater is delivered and as applicable until the Industrial Wastewater is no longer being received.
7. In addition to the requirements under ECA No. 9205-ANYPRW, for the duration of the time the Industrial Wastewater from the Project site is directed to the Works plus the annual average retention time for the Works, the City shall monitor the effluent, as described under ECA No. 9205-ANYPRW, on a weekly basis for the following lists of parameters:
 - (a) Polycyclic aromatic hydrocarbons, alkylated polycyclic aromatic hydrocarbons, benzene, toluene, ethylbenzene, xylenes, phenols, cresols and xlenols; and
 - (b) Iron, copper, chromium and arsenic.
8. No additional effluent limits are imposed on the final effluent monitoring program required under ECA No. 9205-ANYPRW. The laboratory detection limits for analyses for the purposes of this Report shall be below the Provincial Water Quality Objectives (PWQOs) and Interim PWQOs for each parameter listed in Condition 7(a) above. Sampling and analysis results shall be reported to the Director and maintained as outlined in Conditions 12 and 13 below.
9. The parameters listed in Condition 7 above shall be incorporated into the effluent monitoring program required under ECA 9205-ANYPRW for a minimum of one weekly monitoring event immediately prior to introduction of the Industrial Wastewater from the Project site; weekly monitoring events for the duration of Industrial Wastewater acceptance plus the annual average retention time for the Works; and for a minimum of one weekly monitoring event thereafter.
10. The Industrial Wastewater being hauled to the Gray Road Pumping Station from the Project site shall be sampled and analysed for all parameters listed in Condition 7 above on a weekly basis, with results reported to the Director and maintained as outlined in Conditions 12 and 13 below.
11. During the sampling prescribed in Condition 10 above, should concentrations of any of those parameters listed in Condition 7(a) above be observed to be greater than those listed in Table 1 of the City's By-Law No. 2012-032 (Sewer Use By-Law), included as Schedule B of this Report, or PQWO's where a by-law concentration is not available, the City shall cease accepting the Industrial

Wastewater into the Gray Road Lift Station. Written approval from the Director would be required prior to reintroduction of the Industrial Wastewater to the Gray Road Lift Station.

12. The City shall prepare and submit a monthly report to the Director summarizing the information recorded in conditions 6, 7, 8, 9 and 10 above. The first report is due three days following the last day of the calendar month in which Industrial Wastewater from the Project site is accepted and will continue to be submitted until all results required under Condition 9 and Condition 10 above have been provided to the Director in a monthly report.
13. The City shall retain for a minimum of three years from the date of their creation all records related to or resulting from the above conditions as well as any records submitted to the City by MTO or their representatives.

If you have any questions, please contact Simon Haslam, District Engineer, Ministry of the Environment, Conservation and Parks (MECP) – Drinking Water and Environmental Compliance Division (DWECD), Timmins District at 807-708-3404.

REQUEST FOR HEARING

You may require a hearing before the Environmental Review Tribunal (Tribunal), if, within fifteen (15) calendar days from the deemed date of service of this Report, you serve written notice of your appeal on the Tribunal and the Director. Your notice must state:

- (a) the portion(s) of the Report in respect of which the hearing is required; and
- (b) the grounds on which you intend to rely at the hearing.

Except with leave of the Tribunal, you are not entitled to appeal a portion of the Report or to rely on a ground that is not stated in the notice requiring the hearing. Unless stayed by the Tribunal, the Director's Report remains in effect from the date of service until as specified in the Report.

Written notice requiring a hearing can be served upon:

The Secretary Environmental Review Tribunal 655 Bay Street, 15th Floor Toronto ON M5G 1E5 Fax: (416) 326-5370 Email: ERTTribunalsecretary@ontario.ca	and	The Director Ontario Water Resources Act, s.61 and 62 Ministry of the Environment, Conservation and Parks 5520 Highway 101 E South Porcupine, ON, P0N 1H0 Fax: (705) 235-1520 Email: carroll.leith@ontario.ca
--	-----	---

Further information on the Tribunal and requirements for an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349 or 1(866) 448-2248
TTY 1-800-855-1155 via Bell Relay
Fax: (416) 326-5370 or 1(844) 213-3474
<http://elto.gov.on.ca/contact/environmental-review-tribunal/>

FOR YOUR INFORMATION

The following is for your information:

Service of the documentation referred to above can be made personally, by mail, by fax, by commercial courier or by email in accordance with the OWRA and O. Reg 226/07, Service of Documents regulation made under the OWRA. Further information can be obtained from e- Laws at <https://www.ontario.ca/laws>. Please note that choosing service by mail does not extend any of the above-mentioned timelines.

Unless stayed, this Report is effective from the date of service. Non-compliance with the requirements of this Report constitutes an offence.

The requirements of this Report are minimum requirements only and do not relieve you from complying with the following:

- (a) any applicable federal legislation,
- (b) any applicable provincial legislation or requirements that are not addressed in this Report, and
- (c) any applicable municipal law.

The requirements of this Report are severable. If any requirement of this Report or the application of any requirement to any circumstances is held invalid, the application of such requirement to other circumstances and the remainder of the Report are not affected.

The procedures and other information provided above are intended as a guide. The legislation and/or regulations should be consulted for additional details and accurate reference.

Issued at **Timmins**, Ontario this **XX day of June 2020**

Carroll Leith
Director, Ontario Water Resources Act s. 62
District Manager, Timmins District
Drinking Water and Environmental Compliance Division
Ministry of the Environment, Conservation and Parks

cc: Christopher W. Oslund, City Manager, City of Timiskaming Shores
Douglas Walsh, Director of Public Works, City of Temiskaming Shores
Steve Burnett, Technical and Environmental Compliance Coordinator, City of Temiskaming Shores
Erin Spires, Water Inspector, MECP – DWECD, Timmins District, North Bay Area Office
Simon Haslam, District Engineer, MECP – DWECD, Timmins District
Lauri St-Jacques, Senior Environmental Officer, MECP – DWECD, North Bay Area

Schedule A: May 14, 2020 Engineer's Letter to the City



299_itr_Tem_Shores
_Accept_H2O_FINAL

Draft

Schedule B: Table 1 of City of Temiskaming Shores' By-Law No. 2012-032 (Sewer Use By-Law)

TABLE 1: Limits for Sanitary Sewer Discharges

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
Biochemical Oxygen Demand	300	Benzene	0.01
Cyanide (Total)	2.0	Chloroform	0.04
Fluoride	10.0	1,2-Dichlorobenzene	0.05
Nitrogen (Total Kjeldahl)	100	1,4-Dichlorobenzene	0.08
Oil & Grease – Animal & Vegetable	150	Cis-1,2-Dichloroethylene	4.0
Oil & Grease – Mineral & Synthetic	50	Trans-1,3-Dichloropropylene	0.14
Phenolics (4AAP)	1.0	Ethyl benzene	0.16
Phosphorous (Total)	10	Methylene chloride	2.0
Suspended Solids (Total)	350	1,1,2,2-Tetrachloroethane	1.4
Aluminum (Total)	50	Tetrachloroethylene	1.0
Antimony (Total)	5.0	Toluene	0.016
Arsenic (Total)	1.0	Trichloroethylene	0.4
Cadmium (Total)	0.7	Xylenes (Total)	0.2
Chromium (Hexavalent)	2.0	Di-n-butyl phthalate	0.08
Chromium (Total)	2.0	Bis (2-ethylhexyl) phthalate	0.012
Cobalt (Total)	5.0	Nonylphenol	0.001
Copper (Total)	2.0	Nonylphenoethoxylates	0.01
Lead (Total)	1.0	Aldrin / dieldrin	0.0002
Manganese (Total)	5.0	Chlordane	0.1
Mercury (Total)	0.05	DDT	0.0001
Molybdenum (Total)	5.0	Hexachlorobenzene	0.0001
Nickel (Total)	2.0	Mirex	0.1
Selenium (Total)	1.0	PCB's	0.001
Silver (Total)	5.0	3,3-Bichlorodenzidine	0.002
Tin (Total)	5.0	Hexachlorocyclohexane	0.1
Titanium (Total)	5.0	Pentachlorophenol	0.005
Zinc (Total)	2.0	Total PAHs	0.005